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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-129**

12 **JENNIFER FRANCES SEYMOUR**
13 **350 North Street**
Willits, CA 95490

A C C U S A T I O N

14 **Registered Nurse License No. 708892**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about July 30, 2007, the Board of Registered Nursing issued Registered Nurse
23 License Number 708892 to Jennifer Frances Seymour (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on March 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
3 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2761 of the Code states:

7 "The board may take disciplinary action against a certified or licensed nurse or deny an
8 application for a certificate or license for any of the following:

9 "(a) Unprofessional conduct, . . .

10 . . . "

11 8. Section 2762 of the Code states:

12 "In addition to other acts constituting unprofessional conduct within the meaning of this
13 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
14 chapter to do any of the following:

15 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
16 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
17 administer to another, any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
19 defined in Section 4022.

20 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
21 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
22 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
23 himself or herself, any other person, or the public or to the extent that such use impairs his or her
24 ability to conduct with safety to the public the practice authorized by his or her license.

25 . . . "

26 6. Section 2770.11 of the Code states:

27 "(a) Each registered nurse who requests participation in a diversion program shall agree to
28 cooperate with the rehabilitation program designed by the committee and approved by the

1 program manager. Any failure to comply with the provisions of rehabilitation program may
2 result in termination of the registered nurse's participation in a program. The name and license
3 number of a registered nurse who is terminated for any reason, other than successful completion,
4 shall be reported to the board's enforcement program.

5 "(b) If the program manager determines that a registered nurse, who is denied admission
6 into the program or terminated from the program, presents a threat to the public or his or her own
7 health and safety, the program manager shall report the name and license number, along with a
8 copy of all diversion records for that registered nurse, to the board's enforcement program. The
9 board may use any of the records it receives under this subdivision in any disciplinary
10 proceeding."

11 7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license.

14 8. Section 118, subdivision (b), of the Code provides that the expiration of a license
15 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued or reinstated.

17 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 DRUGS

22 10. Insulin increases glucose transport across muscle and fat cell membranes to reduce
23 blood glucose levels and is a dangerous drug pursuant to section 4022 of the Business and
24 Professions Code.

25 FIRST CAUSE FOR DISCIPLINE 26 (UNPROFESSIONAL CONDUCT)

27 11. Respondent is subject to disciplinary action under section 2761(a) in that she
28 committed a battery upon a police officer. The circumstances are that on or about June 30, 2009,

1 Willits Police were dispatched to Respondent's home based on a report that Respondent had cut
2 herself with a knife. Respondent resisted arrest and was taken to the hospital. The following day,
3 July 1, 2009, Respondent escaped from the hospital. Officers went to Respondent's home where
4 Respondent again resisted arrest and kicked one of the officers in the groin.

5 12. Respondent is further subject to disciplinary action under sections 2761(a) and/or
6 2770.11 in that Respondent was terminated from the Board's Diversion Program for reasons other
7 than successful completion. The circumstances are that Respondent enrolled in the Board's
8 Diversion Program on or about September 1, 2009. Respondent was terminated from the
9 Diversion Program on or about March 16, 2010 pursuant to Code section 2770.11(b), due to non-
10 compliance, and as a result of the Diversion Program's assessment that she was a public safety
11 risk. While in the Diversion Program, Respondent failed to call in for random urine screenings
12 on the following dates: September 15, 2009, September 16, 2009, September 19, 2009,
13 September 26, 2009, October 1, 2009 through October 10, 2009, December 18, 2009, January 10,
14 2010, and February 28, 2010.

15 SECOND CAUSE FOR DISCIPLINE
16 (ILLEGAL USE OF DANGEROUS DRUGS)

17 13. Respondent is subject to disciplinary action under sections 2762(a) and/or 2762(b) in
18 that she illegally obtained and used insulin, a dangerous drug, pursuant to Code section 4022.
19 The circumstances are that in approximately August, 2009, Respondent stole 300 units of insulin
20 from a friend and injected it in a suicide attempt.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board of Registered Nursing issue a decision:

24 1. Revoking or suspending Registered Nurse Number 708892, issued to Jennifer
25 Frances Seymour;

26 2. Ordering Jennifer Frances Seymour to pay the Board of Registered Nursing the
27 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
28 Professions Code section 125.3;

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Шуепо

Steve Bern

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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